

REMARKS

This Amendment and Response is responsive to the Office Action mailed April 20, 2007.

In that action: claims 1-34 and 40-51 were pending; claims 41-46 and 48 were rejected under 35 USC 102(b) as anticipated by Lebby (USPN 5,467,215); claims 41, 43, 44, and 48 were rejected as anticipated by Popovich (WO 00/07058); claim 45 was rejected as obvious over Popovich; claims 1-34 and 40 were allowed; and claims 47 and 49-51 were objected to as being dependent upon a rejected claim but allowable if amended into independent form.

Reconsideration of the rejection of the rejected claims is hereby requested.

Claim 41 has been amended to clarify its meaning. Claim 41 was rejected as anticipated by Lebby. Lebby appears to disclose an integrated electro-optic package with a pair of reflective spatial light modulators (see image generator 115 and image generator 120 in Figure 5 of Lebby). The image generator 115 helps to create a real image on projection screen 125 and the image generator 120 helps to create a virtual image that can be seen via lens system 117. Clearly these are two different image generators.

By way of contrast, claim 41 requires an image-generating arrangement that helps to provide a real image in a first mode and a virtual image in a second mode. This is not taught or suggested by Lebby. The Examiner's statement in the middle of page 3 of the most recent Office Action ("... the virtual image is produce (sic) by the same image generating arrangement in the same portable device") is not correct. If the Examiner continues this rejection on this basis, it is specifically requested that the Examiner provide further detail for support of such a statement. Merely repeating that statement is not a helpful or sufficient response. Because this limitation is not taught or suggested by Lebby, and would not have been obvious without looking at the

applicants' invention and using impermissible hindsight, claim 41 is patentable over Lebby, as is dependent claim 41.

Claim 41 was also rejected as anticipated by Popovich. Popovich discloses a display system including a display screen 609 that is utilized to either provide a virtual image via projection optics 605 and diffuser 603 or provide a real image via projection optics 604. This is accomplished by selecting which set of optics 604 or 605 is used and by reconfiguring the reconfigurable holographic mirror 601 and reconfigurable holographic diffuser 602 of the display screen 609. These components 601 and 602 are reconfigured by alternatively switching which of the two components are in an active or passive state. In either case, however, the user must look toward the display screen 609 to see the image, whether it is the "private" mode where the virtual image is produced or the "public" mode where the real image is produced.

Claim 41, on the other hand, requires that the real image appear at a first location and the virtual image appear at a second location on the display device that is different from the first location. This is not taught or suggested by Popovich, as the user must look at the display screen 609 in either mode. Thus, claim 41 (and dependent claim 42) is patentable over Popovich.

Claim 43 has been rejected as anticipated by Lebby, which has been described above. For the same reasons as also described above, Lebby clearly does not anticipate claim 43. Lebby uses two separate image generators to produce the two different images, while claim 43 requires producing the two different images with the same image-generating arrangement. For these reasons, claim 43 (and dependent claims 44-51) is patentable over Lebby.

Claim 43 has also been rejected as anticipated by Popovich, which has been described above. Popovich projects a real image onto the projection screen 603 via the projection optics 605. Once this real image on the projection screen 603 is reflected by the reconfigurable

holographic mirror 601, a virtual image is seen by the user when they look at the display screen 609. Although this image is a virtual image to one looking at the display screen 609, it must be a real image to one looking directly at the diffuser 603. This is clear from the optics handbooks provided with previous amendments, relevant portions of which are provided here.

In Modern Optical Engineering by Warren J. Smith (McGraw-Hill, Boston, 1990), the author states on p. 10:

Thus a virtual image may be observed directly or may serve as a source to be reimaged by a subsequent lens system, but it cannot be produced on a screen.

Most succinctly, perhaps, in Fundamentals of Optics, by Francis A. Jenkins and Harvey E. White (McGraw-Hill, New York, 1950) is stated (p. 42):

A virtual image cannot be formed on a screen.

So, in Popovich, a virtual image is produced by viewing a real image on a diffuser/screen in a mirror. Claim 43, however, requires that the virtual image of the image-generating arrangement that is produced in the second mode of the display device is not a reflection of a real image of the image-generating arrangement projected onto a display screen.

Since Popovich discloses exactly what is prohibited by claim 43, Popovich cannot teach or suggest this claim limitation. Thus, claim 43 (and dependent claims 44-51) is patentable over Popovich.

The rejection of claim 45 is moot in light of the patentability of claims 43 and 44, upon which claim 45 depends.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to

contact the undersigned.

Respectfully submitted,

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